

The Examiner rejects claims 38-39, 43-50 and 54-62 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 34, 42 and 43 of U.S. Patent No. 5,892,430 of *Weisman et al.* The Examiner also rejects claims 40-42, 51-53 and 63-66 under obviousness-type double patenting as being unpatentable over claim 1 of *Wiesman et al.* in view of U.S. patent No. 5,559,377 to *Abraham*.

A timely filed terminal disclaimer can be used to overcome a rejection based on a double patenting ground provided that the conflicting patent is shown to be commonly owned with the application. The subject application is owned by Foster-Miller, Inc., such assignment being recorded at Reel 8297, Frame 0936. U.S. Patent No. 5,892,430 is also owned by Foster-Miller, Inc., such assignment being recorded at Reel 6999, Frame 0879. Accordingly, the subject application and U.S. Patent No. 5,892,430 are commonly owned by Foster-Miller, Inc.

Enclosed herewith is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent. Applicant submits that the Terminal Disclaimer overcomes the Examiner's rejections.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781)890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Kirk Teska", written over a horizontal line.

Kirk Teska
Reg. No. 36,291